



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE
Minutes of Meeting on September 12, 2007
[Approved on 10/31/07]

Prepared by: Terry Wood

Meeting Location: Roche Family Community Center, West Roxbury, MA.

- 1. Call to Order:** Debra Stake called the meeting to order at 12:56 p.m. Also present were Janine Commerford, Deborah Farnsworth, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Robert Luhrs, Paul Mullen, and Debra Phillips. Gail Batchelder joined the meeting at 12:58 p.m. Committee members absent: Kelley Race. Staff members present were Allan Fierce, Brian Quinlan, Lynn Read, Terry Wood and Al Wyman. Also present were Wesley Stimpson, the LSP Association's Executive Director; and Lisa Alexander, Maria Pinaud, and Tom Potter of DEP.
- 2. Announcements:** None.
- 3. Previous Minutes:** The draft minutes of the meeting held on July 30, 2007 were approved.
- 4. Old Business**

A. Status of CRTS

Mr. Fierce asked the Committee members to clarify how they would like CRTs to proceed when the members of CRT would like to expand an investigation beyond the sites referenced in the original complaint. He stated that he believed that the Committee members had indicated at a past meeting that a CRT could look at several sites without requesting permission when investigating a DEP pattern and practice complaint, but that the Committee would like a CRT to seek permission before expanding the investigations of non-DEP pattern and practice complaints. He stated that Board staff was uncertain how the Committee would prefer a CRT seek permission. The consensus of the Committee was that a CRT is free to

look at other site files but, if the members of a CRT determine that they would like to officially add additional sites to an investigation, they should ask the Committee for permission at a monthly meeting.

Ms. Pinaud stated that when MassDEP is preparing a complaint, MassDEP staff reviews existing NOAFs to see if there is a pattern of poor performance; if the staff see a larger problem with the LSP's practice, they make the allegation in the complaint. Also, as new NOAFs or enforcement documents are issued, and if MassDEP staff members are aware that the LSP is under investigation, they send a copy of the document to the Board.

At Ms. Stake's request, the chair of each CRT reported on progress made during the last month.

B. Update re: Web Site Subcommittee

Ms. Commerford stated that the subcommittee has not met.

C. Update re: planning meeting with Magistrate Taylor at DALA

Mr. Fierce stated that a letter was sent to new Chief Magistrate Shelly Taylor at DALA on September 8 asking for a meeting to discuss the two pending appeals. He stated that Magistrate Taylor called him on September 11 and offered to meet on September 19 or 20. Ms. Commerford, Mr. Luhrs, Ms. Stake and Mr. Fierce will meet with Chief Magistrate Taylor on one of those dates.

D. Review of draft letter regarding advisory ruling request

The Committee members reviewed the draft letter prepared by Mr. Fierce in response to Mr. Feldman's recent advisory ruling request. After discussion, a motion was made and seconded to send the letter with certain edits. The motion passed unanimously.

5. New Business

No new business was on the agenda.

Mr. Fierce informed the Committee that Board staff had written and submitted an article regarding early agreements for discipline. The article will appear in the upcoming issue of the LSPA newsletter.

6. Future Meetings

The Committee will next meet on October 31, 2007 beginning at 10 a.m. at the Northeast Regional Office of MassDEP in Wilmington. The Committee will also meet on November 29 at a location to be determined.

7. Adjournment: The meeting was adjourned at approximately 1:58 p.m.